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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

In the Matter of the Complaint of
TUTOR-SALIBA/KOCH/TIDEWATER JV,

No. C 05-04043 WHA

Plaintiff,

ORDER

For Exoneration from or Limitation of
Liability.

/

If plaintiff has not resolved completely all state-court proceedings related to the above-captioned case by September 28, 2006, they shall notify the Court of that fact by noon, September 29. The Court will then set a status conference. At present, the Court believes that it would lift the abatement of the instant action if the state action is not resolved by then.

This order supercedes the portion of the order of December 13, 2005, that stated that the above-captioned case was abated until San Francisco Superior Court action *Banez v. Tutor-Saliba/Koch/Tidewater*, No. CGC-05-439790, is tried to final judgment or otherwise resolved. The rest of the December 13 order remains in force, including the requirement that plaintiff's counsel submit status reports on *Banez* every three months.

IT IS SO ORDERED.

Dated: January 6, 2006

Wm. Alsup

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE